

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RON PETERSON FIREARMS, LLC,

Plaintiff,

vs.

CIVIL NO. 11-678 JC/LFG

KENNETH MELSON, Acting Director,
Bureau of Alcohol, Tobacco, Firearms
& Explosives,

Defendant.

ORDER STAYING SCHEDULING ORDER AND BRIEFING

THIS MATTER came before the Court on a Fed. R. Civ. P. 16 scheduling/status conference conducted October 3, 2011.

This lawsuit is one of several filed nationwide challenging Defendant's authority to require gun dealers to submit a report of sale or other disposition to unlicensed persons of two or more semi-automatic rifles of greater than 22 caliber, capable of accepting a detachable magazine. Plaintiff contends that the Acting Director lacks congressional authority to order such reports.

Defendant filed a motion to transfer this case to the District of Columbia where an identical lawsuit, prosecuted by the same plaintiff's attorney, is pending [Doc. 8]. In the District of Columbia case, the court set oral arguments for October 25, 2011. The presiding District Judge, the Honorable Rosemary M. Collyer, ordered expedited briefing on the merits and briefing is nearly complete.

The motion to transfer is opposed and is now fully briefed [Docs. 8, 20, 22] and awaiting the Court's resolution. The parties agree that no action should be taken on merits briefing in this case until such time as the trial Court rules on Defendant's motion to transfer. If the motion is granted,

it will be consolidated with the District of Columbia case and subject to District Judge Collier's scheduling.

Alternatively, if the motion to transfer is denied, this Court will require the filing of the administrative record and establish an appropriate briefing schedule.¹

In accord with the cost-savings provisions of the Civil Justice Reform Act, 28 U.S.C. § 471 *et seq.*, merits briefing is stayed pending Senior Judge Conway's consideration and disposition of the motion to transfer.

IT IS SO ORDERED.



Lorenzo F. Garcia
United States Magistrate Judge

¹The parties agreed that if the motion to transfer is denied, the administrative record can be filed within ten days. Sixty days thereafter, the parties will file joint motions for summary judgment with standard response and reply times applicable. No discovery is needed.